

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

February 11, 1965

10:00 A.M.

Council Chamber, City Hall

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The meeting was called to order with Mayor Palmer presiding.

Roll call:

Present: Councilmen LaRue, Long, Shanks, White, Mayor Palmer

Absent: None

Present also: W. T. Williams, Jr., City Manager; Doren R. Eskew, City Attorney; Reuben Rountree, Jr., Director of Public Works; Robert A. Miles, Chief of Police

Invocation was delivered by REVEREND THOMAS LOVETT, University Presbyterian Church.

The Council greeted and welcomed a group from the Speech Classes and the University of Texas, and MRS. MIKE STORM and MRS. WILLIAM CHAPMAN from the Junior League.

Councilman LaRue moved that MR. GLEN D. WEISE be heard. The motion was seconded by Councilman Long. Roll call showed a unanimous vote.

MR. WEISE, representing the Real Estate Board, invited the City Council and Department Heads to its Board Meeting Luncheon at the Driskill Hotel, Tuesday, February 16th, and asked Mayor Palmer to speak to the group on matters pertaining to the City. The Mayor stated the Council would check to be sure there was no conflict and let Mr. Weise know how many could be present.

Councilman White moved that the Minutes of January 27, 1965, and February 4, 1965, be approved. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer

Noes: None

Mayor Palmer introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING THE USE MAPS ACCOMPANYING CHAPTER 39 OF THE AUSTIN CITY CODE OF 1954 AS FOLLOWS: LOTS 3 AND 4, BLOCK 2 OF THE JOHNSON'S RIVER ADDITION, FROM "A" RESIDENCE DISTRICT TO "LR" LOCAL RETAIL DISTRICT; SAID PROPERTY BEING SITUATED IN AUSTIN, TRAVIS COUNTY, TEXAS; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

The ordinance was read the first time and Councilman LaRue moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, Shanks, White, Mayor Palmer  
Noes: Councilman Long\*

The ordinance was read the second time and Councilman LaRue moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, Shanks, White, Mayor Palmer  
Noes: Councilman Long

The ordinance was read the third time and Councilman LaRue moved that the ordinance be finally passed. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, Shanks, White, Mayor Palmer  
Noes: Councilman Long

The Mayor announced that the ordinance had been finally passed.

\*Councilman Long voting against the change stating she thought it interfered with the Town Lake Program.

Mayor Palmer introduced the following ordinance:

AN ORDINANCE DECLARING THE NECESSITY FOR AND ORDERING THE PAVING AND IMPROVEMENT OF PORTIONS OF CERTAIN STREETS IN THE CITY OF AUSTIN, APPROVING PLANS AND SPECIFICATIONS FOR SUCH WORK, AUTHORIZING THE CITY MANAGER TO ADVERTISE FOR BIDS, DIRECTING THE PREPARATION OF ESTIMATES, INVOKING THE ALTERNATE PROCEDURE PROVIDED BY ARTICLE I, SECTION 5 OF THE CHARTER OF THE CITY OF AUSTIN AND CHAPTER 106 OF THE ACTS OF THE FIRST CALLED SESSION OF THE 40TH LEGISLATURE OF TEXAS, DETERMINING THAT THE COST OF SUCH IMPROVEMENTS SHALL BE PAID BY THE CITY OF AUSTIN, PROVIDING A METHOD OF REIMBURSING THE CITY OF AUSTIN FOR A PORTION OF SUCH COSTS BY ASSESSMENT OF A PORTION OF SUCH COSTS AGAINST THE PROPERTY ABUTTING SUCH STREETS OR PORTIONS THEREOF TO

BE IMPROVED, AND FOR THE FIXING OF A LIEN TO SECURE PAYMENT OF SUCH ASSESSMENTS, STATING THE TIME AND MANNER PROPOSED FOR PAYMENT OF ALL SUCH COSTS, DIRECTING THE CITY CLERK TO CAUSE A NOTICE OF THE ENACTMENT OF THIS ORDINANCE TO BE FILED IN THE MORTGAGE OR DEED OF TRUST RECORDS OF TRAVIS COUNTY, TEXAS, AND DECLARING AN EMERGENCY. (Aransas Street and other streets)

The ordinance was read the first time and Councilman Long moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
Noes: None

The ordinance was read the second time and Councilman Long moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
Noes: None

The ordinance was read the third time and Councilman Long moved that the ordinance be finally passed. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor Palmer introduced the following ordinance:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 100.29 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE GEORGE W. DAVIS SURVEY, IN TRAVIS COUNTY, TEXAS; WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE.  
(Allandale Park, Section 9 and unplatted land)

Councilman Long moved that the ordinance be published in accordance with Article 1, Section 6 of the Charter of the City of Austin and set for public hearing on March 4, 1965 at 10:30 A.M. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
Noes: None

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, after an engineering and traffic investigation, the City Council has found that the circumstances are such that the maximum reasonable and safe speed for the operation of vehicles at the following location is less than thirty (30) miles per hour on school days during the hours of 7:00 A.M. to 4:30 P.M. when pedestrians are present; and,

WHEREAS, after said investigation the City Council has found that the maximum reasonable and safe speed for the operation of vehicles is twenty (20) miles per hour on such days and during such hours at the following location:

<u>ON STREET</u>	<u>FROM</u>	<u>TO</u>
Lamar Boulevard	LaCasa Drive	300 feet North of Bluebonnet Lane

Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Clerk be authorized and instructed to record this finding in Section 33.39 of the Traffic Register.

The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
Noes: None

Mayor Palmer introduced the following ordinance:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CERTAIN CONTRACT WITH CRESTLAND HOMES, INCORPORATED, FOR THE APPROPRIATION OF MONEY PAID TO THE CITY OF AUSTIN UNDER SUCH CONTRACT; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Long moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Shanks, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
Noes: None

The ordinance was read the second time and Councilman Long moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman Shanks, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
Noes: None

The ordinance was read the third time and Councilman Long moved that the ordinance be finally passed. The motion, seconded by Councilman Shanks, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor Palmer brought up the following zoning applications deferred from last week:

K. C. SMITH	206-212 East 26 $\frac{1}{2}$ Street	From "B" Residence 3rd Height & Area
By Alvis Vandygriff		To "C" Commercial 3rd Height & Area
		NOT Recommended by the Planning Commission

Councilman Long stated the Bill was introduced in the House of Representatives yesterday asking that the University of Texas be permitted to purchase certain property and it encompassed such a large and inclusive area and so much money was involved that she had come to the conclusion that this request should not be held up any longer. Councilman Shanks agreed. Councilman LaRue stated he was in disagreement, as he had discussed this with two University officials last week and was told they had definite plans for developing this area; they had never been turned down by the Legislature when they asked for a request as this; and they did not expect to be turned down this time. It was the intent to purchase this land immediately after the permission were granted by the Legislature. Councilman Long said they were not going to purchase this large area all at once and it was a long range plan and they were not going to purchase all the expensive property on University Avenue, east to Red River, San Jacinto, and that adjacent to the University on the north side immediately, as they did not have the money. Councilman LaRue referred to the recommendation of the Planning Commission in that the proposed change would allow too great a density, and the broad range of uses permitted in the "C" Commercial district was inconsistent with the development of the area. After more discussion, Councilman Shanks moved that the Council grant the requested change. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, Shanks, White, Mayor Palmer  
Noes: Councilman LaRue

The Mayor announced that the change had been granted to "C" Commercial 3rd Height and Area and the City Attorney was instructed to draw the necessary ordinance to cover.

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ESTATE OF MAY BELLE	1701-1703 Kinney Avenue	From "A" Residence
ALLEN, By Mrs. Lula A.		To "B" Residence
Smith, By Sidney		RECOMMENDED by the
Purser, Attorney		Planning Commission

The Mayor stated the Council wanted them to set the Apartment House back far enough to allow a road in there. Councilman LaRue moved that the change to "B" Residence be granted. The motion, seconded by Councilman Long, carried by

the following vote:

Ayes: Councilmen LaRue, Long, Shanks, Mayor Palmer  
Noes: Councilman White

The Mayor announced that the change had been granted to "B" Residence and the City Attorney was instructed to draw the necessary ordinance to cover.

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TONY STASSWENDER By Ed Padgett	5001-5017 Bull Creek Rd.	From "A" Residence 1st Height & Area To "O" Office 2nd Height & Area and "B" Residence 2nd Height & Area (as amended at Planning Commission Meeting) NOT Recommended by the Planning Commission RECOMMENDED "O" Office 1st Height and Area on north 100' (5007-5013 Bull Creek Rd.); and "B" Residence 1st Height and Area on south 125' (5001-5005 Bull Creek Road)
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Councilman Long expressed opposition to this, as it has a long history of more and more encroachment in that beautiful residential area, and this is further encroachment. Councilman Shanks moved that the change be granted as recommended by the Planning Commission. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Shanks, White, Mayor Palmer  
Noes: Councilman Long

The Mayor announced that the change had been granted to "O" Office 1st Height & Area for the north 100' (5007-5013 Bull Creek Road), and to "B" Residence 1st Height & Area for the south 125' (5001-5005 Bull Creek Road) and the City Attorney was instructed to draw the necessary ordinance to cover.

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H. L. BEAVER By Barbara Brawner	2015-2019 Blue Bonnet Lane	From "A" Residence To "BB" Residence NOT Recommended by the Planning Commission
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Councilman Long stated this was the property the Council wanted a requirement that a road be provided at the rear of the property. Councilman White

stated this street should be in there. Councilman LaRue, referring to the recommendation of the Planning Commission, pointed out this zoning would be inconsistent with the zoning and development of this area. A request had been turned down in a similar case and this change would open the door for the same individuals who were here at that time to make the same request. He believed this zoning would be detrimental to the entire area. The Mayor stated the area was still residential, but many of the owners in the area have extremely deep lots and it would not be logical to develop this as "A" Residential; and with the restrictions and recommendation it would be proper zoning and the people would have an opportunity to develop their property. After discussion, Councilman Long moved that "BB" Residence be granted with the restriction or a guarantee that the street will be developed; that there will be assurance from this particular property owner that the street will be set aside; and when and if the street is cut through that they will follow through with their obligation to curb, pave and develop the street. The motion, seconded by Councilman Shanks, carried by the following vote:

Ayes: Councilmen Long, Shanks, White, Mayor Palmer  
 Noes: Councilman LaRue

The Mayor announced that the change had been granted to "BB" Residence and the City Attorney was instructed to draw the necessary ordinance to cover.

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F. E. BRISBON	706 West St. Johns Avenue	From "A" Residence To "GR" General Retail RECOMMENDED by the Planning Commission
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MR. BRISBON appeared in his own behalf, stating property adjoining him on the west is commercial and he wanted to construct a 24 x 31' cement block building. Widening of the street and a dedication of 10' for street purposes were discussed. After explanation Mr. Brisbon stated he would have no objection to dedicating the 10' strip from the back lot. Councilman LaRue moved that the change be granted as recommended and the dedication documents to be brought in. The motion, seconded by Councilman Shanks, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
 Noes: None

The Mayor announced the change had been granted to "GR" General Retail and the City Attorney was instructed to draw the necessary ordinance to cover.

Councilman Shanks asked that the City Attorney explain to Mr. Brisbon in detail about the dedication and future development.

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The Mayor set 7:30 P.M., Thursday, February 18th, as a work session with Mr. Kenneth Lamkin and his committee.

MR. BILL CAMPBELL expressed appreciation to the Council personally, and for all of those that pass 24th and Lamar Boulevard several times a day for working out the improvements in the traffic at that intersection. He said this

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Council had inherited more problems from growth and had handled them better than any other Council.

The City Manager submitted the following:

"February 5, 1965

"To: Honorable Mayor and Members of the City Council

Subject: Bids on seventeen (17) 900 KVAR, 7.2 KV,  
Pre-assembled, Cluster Mounted Capacitor Banks.

"Sealed bids were opened at 10:00 A.M. February 3, 1965 in the office of the Purchasing Agent for seventeen (17) 900 KVAR, 7.2 KV, Pre-assembled, Cluster Mounted Capacitor Banks for Electric Distribution.

The bids received are as follows:

<u>BIDDER</u>	<u>MANUFACTURER</u>	<u>NET TOTAL</u>
General Electric Co.	General Electric	\$25,802.60
Curtis Musgrove Co.	Federal Pacific	25,823.00
Sterett Supply Co.	Line Material	24,395.00
Allis-Chalmers Co.	Allis-Chalmers	27,200.00
D. H. Dashiell Co.	Westinghouse	25,721.00
Graybar Electric Co.	General Electric	25,802.60
Walter Tips Co.	Westinghouse	25,823.00
Priester-Mall Co.	Sangamo	27,353.00

"The bid by Sterett Supply Co. for Line Material Capacitors meets all requirements and conditions of the specifications. The Electric Department has previously used Line Material capacitors and they have been very satisfactory.

"RECOMMENDATIONS: It is recommended the award be made to Sterett Supply Co. for seventeen (17) Line Material 900 KVAR, 7.2 KV, Pre-assembled, Cluster Mounted Capacitor Banks in the total amount of \$24,395.00 as the lowest and best bid.

"W. T. Williams, Jr. City Manager"

Councilman Long asked for detailed information on this equipment and where the capacitors were to be used, and if they were enlargements of the system or replacements. The City Manager explained technical use of the equipment, and stated these were used throughout the system, and it is estimated that 17 will be needed within a certain time.

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on February 3, 1965, for seventeen (17) 900 KVAR, 7.2 KV, Pre-assembled, Cluster Mounted Capacitor Banks for the Electric Division of the City of Austin; and,

WHEREAS, the bid of Sterett Supply Co., in the sum of \$24,395.00, was the lowest and best bid therefor, and the acceptance of such bid has been recommended by the Purchasing Agent of the City of Austin, and by the City Manager; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the bid of Sterett Supply Co., in the sum of \$24,395.00, be and the same is hereby accepted, and that W. T. Williams, Jr., City Manager of the City of Austin, be and he is hereby authorized to execute a contract, on behalf of the City, with Sterett Supply Co.

The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer

Noes: None

The City Manager discussed provisions of the renewal contract with the Pathologists at Brackenridge Hospital, DRS. DaSILVA and BRANNON. He briefly reviewed the accounting methods used, the Hospital doing the collecting and making a charge for this service. The same ratio of noncollections for the Hospital as a whole is applied to charges made by the Pathologists to determine the amount of revenue for the Pathologists. Councilman Long stated all of the staff doctors do a certain amount of free service for the Hospital. The City Manager explained the formula used in the contract which provides that all private charges are adjusted by the bad debt ratio plus one half of the staff charges; and adding the figures of those two, the gross charge is obtained. Items that are deducted from the gross amount are the total payroll of the Pathologist Department, janitor service and all the other incidental and direct expenses, depreciation on equipment in the laboratory, utilities, laundry, and every other proportionately allocated expense. The result is referred to in the contract as the net gain from which 45% goes to one Pathologist and 35% to the other, with 20% set aside in a special Trust and Agency Account. That 20% is used by the Pathologists for additional professional help; to provide for expenses of training of their technicians, and for the purchase of laboratory equipment. No other use can be made of this fund. Any equipment purchased from the 20% net gain, as provided in the contract, belongs to the City. The City Manager compared this renewal contract to the previous one, stating the Pathologists were paid 40% of the gross receipts regardless of the amount of the operating expenses of the Department under this renewal contract, the expenses are being deducted from the operating revenue, and the Pathologists receive the remaining amount. Councilman Long asked who set the charges. The City Manager said they fundamentally are set in accordance with the Profession's recommendation and are more or less uniform throughout the Country; but specifically in Austin, the charges are fixed by the Pathologists with approval of the Administrator. After discussion, Councilman White moved that the City Manager be authorized to renew the contract for Pathology Services at Brackenridge Hospital with DRS. DaSILVA and BRANNON. The motion, seconded by Councilman Shanks, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer

Noes: None

a minimum of \$2.50. The rate would be 2.6 cents per KWH up to 280 KWH. Then the rate would be 1 1/4 cents per KWH up to 500. That would cost \$10.00 for 500 KWH; then one cent per KWH for the next 1,000 KWH; and all over that 3/4 of a cent. She stated this formula had nothing to do with peak usage, but did have the advantage of encouraging people to use more electricity. She submitted two complaints she had received: one from a man whose air conditioning cost him \$135.00 during the summer, and he could not afford to run it because the rate is prohibitive; and the other was a written complaint from Mrs. Victor L. Manning, 520 Buckeye Trail, stating they had been paying electric bills ranging from \$40.00 to \$140.00 per month, and the water bills were exorbitant. She realized they were located in a water district, and the bonds had to be paid off, but the situation was ridiculous; as it would seem with the many new homes and subdivisions being built in West Lake Hills and surrounding territories in the last five years, the bonds could very well be taken care of, and this should be looked into. Mrs. Manning stated when they turned on their electrically controlled air conditioner this spring, if their electric bills were out of reason, they would immediately turn to gas along with everything else they could possibly change to during that time. It was noted that this person lived in West Lake Hills and not Austin. Councilman Long stated Mrs. Manning and others were using electricity and inquired why could there not be some incentive to have air conditioning. The City Manager explained the effect of using air conditioning in the summer and not during the winter and the necessity of leveling the usage and creating a winter rate. Councilman Long stated people felt if they used a great deal of electricity they were entitled to the same rate as those who have an all electric home. The City Manager said 75% of the people in the United States had available to them an all electric rate the same as in Austin. If one had an all electric home, one would be paying too much if the same rates were charged. After equipment necessary to serve a customer for his peak bill in the summer is installed the only additional cost to the utility system to provide that same quantity of electricity every month during the winter is the fuel cost. Councilman Long read the Notice that was sent out with the Water and Light statements. The City Manager explained that for an all electric home the customer would pay a minimum of \$10.00 for 500 KWH and one cent for each additional KWH thereafter. Councilman Long stated she was interested in trying to see the people in the median income bracket and below have a little air conditioning in the summer; and under the present rates they can not. She thought these rates should be cut down, and she filed Mr. Kitchen's suggested rates for consideration.

Councilman LaRue asked for an explanation of the possible alternate rate. The City Manager stated if there were people that felt even though they did not have everything all electric that they ought to be able to get a reduced rate because they have so much electrical equipment and have a more or less uniform usage through the year, that it might be possible to set another rate which could be applied to them, and which would require them to pay as a minimum bill 80 or 90% of the highest bill of the preceding year. These figures would have to be studied more closely. As an example, one having a \$60.00 electric bill in the summer, the bill at 90% would be \$54 in January. Councilman Shanks did not favor that alternate. Councilman LaRue stated he would be interested in looking into this, as it appeared the new rate would be less per KWH as set up for the all electric. The summer bill would be less than it is now, and the 80% of that in the winter would be less than 80% of the bill one would be paying now.

Mayor Palmer explained when it is necessary to have a system to meet a maximum demand of 238,000 KW, and the usage drops down to less than half of that in the winter, if people would heat their homes electrically and balance out the

power factor, this would influence all revenues and the overall set up and naturally would affect the rates. The City Manager explained the investment of the plant is used only a few months out of the year, and the cost that has to be passed on to the consumer is greater than it would be if it were used continuously. That is why it is necessary to encourage the continuous use where a person who uses his 5 KW capacity in a plant could be given a lower rate per KWH because his use would be consistent throughout the year. Councilman Long stated she would like to see a little relief, and there probably would be more money in the long run; just like the summer water rates. The Mayor said the bad part of a summer water rate was only 4% of the people of Austin would be affected, and this data had been worked out and it revealed only a very, very few people would get any benefit from it.

The City Manager called attention to the filing of the Street Paving Summary of February 8, and Fiscal Status of Voluntary Paving Program as of January 31, 1965.

The Mayor asked that the Council visit the Ball Park and go over the list of repairs to which Mr. Hillman Lyons, Austin Braves, had called to attention.

Councilman Long asked that the Council visit the Vargas Road area in the Montopolis area, where a drainage easement had been discussed for some time, and see about getting the area drained and the street paved. She asked that the land be condemned, the drainage be done, and the street paved. She said the Council had authorized the purchase or condemnation of the land, and she wanted to go ahead and condemn it and get the drainage in. Councilman White inquired if all of this property were in the City. The City Manager stated the easement was outside the city limits, but the area Councilman Long was talking about is in the City. The City Attorney stated a restudy of the area was made to see where the street would be located, and to find out what the liabilities would be downstream if the water were accumulated on this property and dumped elsewhere. He stated this was being worked on now. Councilman Long asked within a month's time if this could be drawn up so the drainage could be fixed and some paving be done? The City Attorney stated he believed he could have an easement in a month's time.

The City Manager reported the Status of Water and Sanitary Sewer Contract Projects as of February 1, 1965, had been filed with the Council.

Councilman Long stated in the study by the Water Research Department, made in parts of the state, it was found that Austin's raw water is 35 to 45 parts per million and the effluent, when it goes back in the river is 20 to 30, Austin's effluent being higher than that of San Antonio. The Director of Water Utilities stated he would refer this to MR. ULLRICH, Superintendent of the Water and Sewage Treatment Plants. Councilman Long asked that he be called, as she would like to have an answer to this. The City Manager reported that Mr. Ullrich was a member of the State Pollution Board. Mr. Ullrich came before the Council, and stated he had some reports, but they did not show quite this difference; and as a matter of fact his report shows very good removal of the phosphates. Mr.

Ullrich gave a detailed report on the testing of the various places and answered technical questions asked by Councilman Long on the Sewage Treatment Plant, compared to other Plants, and also on the expansion of the Austin Plant.

The City Manager reminded the Council of the Legislative Breakfast next Monday morning at 8:00 A.M.

The City Manager had a request from Water District No. 5 to transfer funds that belong to it along with \$5,000 of meter deposits for its next bond payment due on February 15th. The District will probably have the \$5,000 back in about two months. Councilman Long moved that the Council grant the request of Water District No. 5. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, White, Mayor Palmer

Noes: None

Not in Council Room when roll was called: Councilman Shanks

The City Manager submitted a recommendation from the Director of Aviation concerning the rental charges on the three offices on the east side of the east entrance of the Terminal Building. The rate is \$4.25 per square foot; and almost continually there has been a vacant office in the center section. The \$4.25 charge is somewhat in excess of rates charged for any kind of down town office space and the Director of Aviation suggests that the rates be reduced on those three offices to \$3.60 per square foot. Councilman Long moved that the Council accept the recommendation of the Director of Aviation on reducing the rental to \$3.60 per square foot on the three offices on the east wing of the Terminal Building. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, White, Mayor Palmer

Noes: None

Not in Council Room when roll was called: Councilman Shanks

The City Manager called attention to the invitation from the Department of Public Safety to the Mayor, Councilmen, County Judges, Commissioners, City Manager, Civil Defense Director, etc., to attend a work shop conference on Civil Defense at the Stephen F. Austin Hotel, February 15th and 16th. Councilman Long moved that the Coordinator of Civil Defense be asked to attend and that he make a five minute report to the Council. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer

Noes: None

The Council had before it the following zoning application:

E. A. GRIMMER	823-829 Houston Street	From "C" Commercial To "C-1" Commercial RECOMMENDED by the Planning Commission
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The City Attorney explained the provisions for passing ordinances by suspending the rule that they be read on more than one day, and he explained the Charter provisions. Off-street parking was discussed. Mayor Palmer stated it would be up to the Building Official to be certain there was the required off-street parking. The City Attorney discussed the effective date of the ordinance. The Building Official stated there would be a change in off-street parking requirements from a Club to a retail establishment. Unless this is provided, the establishment would not be able to open Saturday. He said if they would put up sufficient funds to pave the lot, they would be given sufficient time to do so. The property across the street is unpaved and zoned "A" Residential, and it would be necessary to have a zoning change on this lot. Councilman Shanks stated the Building Official would work it out so that it would all be in order. Councilman Shanks moved that the Council sustain the recommendation of the Planning Commission. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Shanks, Mayor Palmer  
Noes: Councilmen Long, White

Mayor Palmer introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING THE USE MAPS ACCOMPANYING CHAPTER 39 OF THE AUSTIN CITY CODE OF 1954 AS FOLLOWS: THE NORTH 145 FEET OF LOT 1 AND THE NORTH 145 FEET OF THE WEST 25 FEET OF LOT 2, OF THE RESUBDIVISION OF LOT 1A OF SECTION 2 OF THE RESUBDIVISION OF A PART OF LOT 1, OF THE SKYLAND ADDITION, FROM "C" COMMERCIAL DISTRICT TO "C-1" COMMERCIAL DISTRICT; SAID PROPERTY BEING SITUATED IN AUSTIN, TRAVIS COUNTY, TEXAS; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

The ordinance was read the first time and Councilman Shanks moved that the ordinance be passed through its first reading. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Shanks, Mayor Palmer  
Noes: Councilmen Long, White

Councilman Shanks moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, Mayor Palmer  
Noes: Councilman White

The ordinance was read the second time and Councilman Shanks moved that the ordinance be passed through its second reading. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Shanks, Mayor Palmer  
Noes: Councilmen Long, White

Councilman Shanks moved that the rule be suspended and the ordinance be passed to its third reading. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, Mayor Palmer  
Noes: Councilman White

The ordinance was read the third time and Councilman Shanks moved that the ordinance be passed through its third reading. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Shanks, Mayor Palmer  
Noes: Councilmen Long, White

The Mayor announced that the ordinance had been finally passed.

The City Attorney stated there were four tracts of land that needed to be acquired. The F. A. A. has asked that two be acquired in fee-simple, and clearance easement be obtained on the other two tracts.

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Airport zoning regulations for the Robert Mueller Municipal Airport have been duly enacted by the Joint Airport Zoning Board of Austin and Travis County, Texas; and

WHEREAS, such regulations established certain maximum heights above which no objects of natural growth or other objects may project; and

WHEREAS, upon the date of enactment of such regulations, there existed in certain of the zones thereby created, non-conforming uses consisting of objects of natural growth and other objects which exceeded the maximum height permitted by such regulations; and

WHEREAS, the City Council of the City of Austin has found that public necessity requires the removal of all such non-conforming uses from the approach zones to the said airport as said zones are described in the airport zoning regulations; and

WHEREAS, the City Council has found and determined that public necessity requires the acquisition of an easement for trimming and lowering the non-conforming objects of natural growth or other objects now existing on the hereinafter described tract of land to the extent such objects exceed the maximum height permitted on such tract by such regulations; and

WHEREAS, the City of Austin has negotiated with the owners of said land and has been unable to agree with such owners as to the fair cash market value of such easement; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Manager be, and he is hereby authorized and directed to file or cause to be filed against all owners and lienholders, a suit in eminent domain to acquire the hereinafter described easement across the hereinafter described tract of land, to-wit:

An easement for trimming and lowering objects of natural growth and other objects now existing on Lots 11 and 12, Block E, Ridgetop, a subdivision of a portion of the James P. Wallace Survey Number 57, in the City of Austin, Travis County, Texas, according to a map or plat of said Ridgetop of record in Book 2 at page 200 of the Plat Records of Travis County, Texas, which Lots 11 and 12 were conveyed to Aubrey M. Everhard, et ux, by warranty deed dated December 9, 1958 of record in Volume 1991 at page 43 of the Deed Records of Travis County, Texas, to the extent that such objects may extend more than 36.00 feet above the surface of said land as it presently exists, together with the right of ingress and egress for such purpose. (Aubrey M. Everhard)

The motion, seconded by Councilman LaRue, carried by the following vote:  
Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
Noes: None

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, airport zoning regulations for the Robert Mueller Municipal Airport have been duly enacted by the Joint Airport Zoning Board of Austin and Travis County, Texas; and

WHEREAS, such regulations established certain maximum heights above which no objects of natural growth or other objects may project; and

WHEREAS, upon the date of enactment of such regulations, there existed in certain of the zones thereby created, non-conforming uses consisting of objects of natural growth and other objects which exceeded the maximum height permitted by such regulations; and

WHEREAS, the City Council of the City of Austin has found that public necessity requires the removal of all such non-conforming uses from the approach zones to the said airport as said zones are described in the airport zoning regulations; and

WHEREAS, the City Council has found and determined that public necessity requires the acquisition of an easement for trimming and lowering the non-conforming objects of natural growth or other objects now existing on the hereinafter described tract of land to the extent such objects exceed the maximum height permitted on such tract by such regulations; and

WHEREAS, the City of Austin has negotiated with the owners of said land and has been unable to agree with such owners as to the fair cash market value of such easement; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Manager be, and he is hereby authorized and directed to file or cause to be filed against all owners and lienholders, a suit in eminent domain to acquire the hereinafter described easement across the hereinafter described tract of land, to-wit:

An easement for trimming and lowering objects of natural growth and other objects now existing on Lot 3, R. R. Massey Resubdivision of a portion of Block T, Ridgetop Fourth Addition, a subdivision of a portion of the James P. Wallace Survey Number 57 in the City of Austin, Travis County, Texas, according to a map or plat of said Ridgetop Fourth Addition of record in Book 3 at page 46 of the Plat Records of Travis County, Texas; a map or plat of said R. R. Massey Resubdivision being of record in Book 3 at page 42 of the Plat Records of Travis County, Texas; which Lot 3 was conveyed to Clarence Urban, et ux by warranty deed dated February 18, 1958 of record in Volume 1892 at page 470 of the Deed Records of Travis County, Texas, to the extent that such objects may extend more than 28.00 feet above the surface of said land as it presently exists, together with the right of ingress and egress for such purpose. (Clarence Urban, et ux)

The motion, seconded by Councilman LaRue, carried by the following vote:  
Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
Noes: None

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the City Council of the City of Austin has found that public necessity requires the expansion of Robert Mueller Municipal Airport in the City of Austin; and,

WHEREAS, the City Council has found and determined that public necessity requires the acquisition of the hereinafter described tract of land to provide for the expansion of said Robert Mueller Municipal Airport; and,

WHEREAS, the City of Austin has negotiated with the owners of said land and has been unable to agree with such owners as to the fair cash market value thereof; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Manager be and he is hereby authorized and directed to file or cause to be filed against the owners and lienholders, a suit in eminent domain to acquire fee simple title for said purposes to the following described tract of land; to-wit:

Being all that certain portion of Lot 26, Ridgetop Gardens, a subdivision of a portion of the James P. Wallace Survey Number 57 in the City of Austin, Travis County, Texas, according to a map or plat of said Ridgetop Gardens of record in Book 3 at page 50 of the Plat Records of Travis County, Texas;

which certain portion of Lot 26 was conveyed to James William Parker by Warranty Deed dated May 6, 1955 of record in Volume 1569 at page 66 of the Deed Records of Travis County, Texas. (James William Parker, et ux)

The motion, seconded by Councilman LaRue, carried by the following vote:  
Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
Noes: None

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the City Council of the City of Austin has found that public necessity requires the expansion of Robert Mueller Municipal Airport in the City of Austin; and,

WHEREAS, the City Council has found and determined that public necessity requires the acquisition of the hereinafter described tract of land to provide for the expansion of said Robert Mueller Municipal Airport; and,

WHEREAS, the City of Austin has negotiated with the owners of said land and has been unable to agree with such owners as to the fair cash market value thereof; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Manager be and he is hereby authorized and directed to file or cause to be filed against the owners and lienholders, a suit in eminent domain to acquire fee simple title for said purposes to the following described tract of land, to-wit:

Being all that certain portion of Lots 26 and 27, Ridgetop Gardens, a subdivision of a portion of the James P. Wallace Survey Number 57 in the City of Austin, Travis County, Texas, according to a map or plat of said Ridgetop Gardens of record in Book 3 at page 50 of the Plat Records of Travis County, Texas; which certain portion of Lots 26 and 27 were conveyed to H. L. Parker by Warranty Deed dated February 18, 1935, of record in Volume 516 at page 387 of the Deed Records of Travis County, Texas.

Save and except that certain portion of the above described tract of land conveyed to James William Parker by warranty deed dated May 6, 1955 of record in Volume 1569 at page 66 of the Deed Records of Travis County, Texas.

Also save and except that certain portion of the above described tract of land conveyed to Ben H. Parker by warranty deed dated May 6, 1955 of record in Volume 1569 at page 64 of the Deed Records of Travis County, Texas. (H.L. Parker, et ux)

The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
 Noes: None

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the City Council of the City of Austin has found that public necessity requires the expansion of Robert Mueller Municipal Airport in the City of Austin; and,

WHEREAS, the City Council has found and determined that public necessity requires the acquisition of the hereinafter described tract of land to provide for the expansion of said Robert Mueller Municipal Airport; and,

WHEREAS, the City of Austin has negotiated with the owners of said land and has been unable to agree with such owners as to the fair cash market value thereof; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Manager be and he is hereby authorized and directed to file or cause to be filed against the owners and lienholders, a suit in eminent domain to acquire fee simple title for said purposes to the following described tract of land, to-wit:

Being all that certain portion of Lot 27, Ridgetop Gardens, a subdivision of a portion of the James P. Wallace Survey Number 57 in the City of Austin, Travis County, Texas, according to a map or plat of said Ridgetop Gardens of record in Book 3 at page 50 of the Plat Records of Travis County, Texas; which certain portion of Lot 27 was conveyed to Ben H. Parker by warranty deed dated May 6, 1955, of record in Volume 1569 at page 64 of the Deed Records of Travis County, Texas.

The motion, seconded by Councilman LaRue, carried by the following vote:  
 Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
 Noes: None

There being no further business, Councilman Shanks moved that the Council adjourn. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
 Noes: None

The Council adjourned at 12:50 P.M. subject to the call of the Mayor.

ATTEST:

APPROVED

*L. E. Palmer*  
 Mayor

*Chas. Morley*  
 City Clerk